

**FIFTY-NINTH DAY****(Continued)****(Thursday, June 30, 1949)****AFTER RECESS**

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

**Leaves of Absence Granted**

Senator Jones was granted leave of absence for today on account of illness in the family on motion of Senator Proffer.

Senator Harris was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Kelley of Hidalgo was granted leave of absence for today on account of important business on motion of Senator Ashley.

**Senate Concurrent Resolution 79**

Senator McDonald offered the following resolution:

S. C. R. No. 79, Granting Rosa Keefer permission to sue the State.

Whereas, It is alleged that on or about the 16th day of February, 1947, and on or about the 10th day of March, 1947, Rosa Keefer, a feme sole, was an inmate and patient at the Rusk State Hospital situated at Rusk, Texas, which hospital is the property of and belongs to and is under the present control of the State of Texas, and was on the dates aforesaid; and

Whereas, The said Rusk State Hospital is a State Agency whose governing authority is vested in a Superintendent; and

Whereas, On the dates aforesaid, Rosa Keefer, while an inmate and patient therein, was severely injured by three other inmates and patients, such injuries resulting from an assault perpetrated on her, the said Rosa Keefer, on the dates aforesaid by said three patients. That the injuries alleged to have occurred to her included a severe back and shoulder injury and damage to her head and eyes. That it is alleged that such injuries resulted on the part of negligence on the part of said Rusk State Hospital, in that its Superintendent, Agents and Employees knew, or should have known,

by the exercise of reasonable diligence, that the said Rosa Keefer might be injured by said patients, and it is further alleged that she, the said Rosa Keefer, will not be able to sue for the said damages unless permission be granted to her by the Legislature to institute suit therefor; and

Whereas, The said Rosa Keefer is presently a single woman; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the said Rosa Keefer is hereby granted permission to bring suit against the State of Texas and the Rusk State Hospital of Rusk, Texas, either or both of them, in any court of competent jurisdiction in Smith County, Texas, in order to determine what liability, if any, and what damages, if any, she is entitled to receive by reason of such occurrences; and in such suit she is hereby authorized to have service of citation, or any other necessary process, issued and served upon the Superintendent of the Rusk State Hospital, Rusk, Texas, and also upon the Attorney General of Texas, and that the same shall have the same force and effect as made and provided in civil cases.

It is specifically understood that the purpose of this resolution is to grant permission to the said Rosa Keefer to bring suit, and that these presents shall not constitute an admission of liability, in whole or in part, of the said claim, and that all of the facts as set out herein must be proved in court; and be it further

Resolved, That suit may be instituted upon said claim at any time within two years from and after the date of the passage and approval of this resolution.

The resolution was read and referred to the Committee on Civil Jurisprudence.

**Senate Concurrent Resolution 80**

Senator Aikin offered the following resolution:

S. C. R. No. 80, Providing for portrait of Governor Beauford H. Jester to be hung in rotunda of the Capitol.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That a suitable portrait of Governor Beauford H. Jester be placed

in the rotunda of the Capitol with the portraits of the other Governors of Texas. The portrait and the charge of such portrait, may be made by an artist agreeable to Governor Jester and the Lieutenant Governor and the Chairman of the Contingent Expense Committee of the Senate and the Speaker of the House and the Chairman of the Contingent Expense Committee of the House of Representatives. Before such portrait is accepted and placed by the Board of Control, such portrait shall be approved by the Lieutenant Governor and the Chairman of Contingent Expense Committee of the Senate and the Speaker of the House and the Chairman of the Committee on Contingent Expense in the House of Representatives.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the resolution was considered immediately and was adopted.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Lane submitted the following report:

Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 155, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,  
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred S. R. No. 76, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute do pass in lieu thereof.

HARRIS, Chairman.

C. S. S. R. No. 76 was read first time.

#### Resolution Ordered Not Printed

On motion of Senator Ashley, it was ordered that H. C. R. No. 155 be not printed.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 163, Expressing the Legislative intent and purposes contained in H. B. No. 321.

H. B. No. 962, A bill to be entitled "An Act to amend subdivision 4 of Section 4 of House Bill No. 17, Acts of the Fifty-first Legislature, 1949, Regular Session, so as to provide for the transportation of horsemeat between the hours of 10:00 p.m. and 4:00 a.m. unless such horsemeat be in individual packages or containers not exceeding five (5) pounds in weight and plainly marked 'horsemeat' for animal consumption; and declaring an emergency."

H. B. No. 967, A bill to be entitled "An Act amending Article 7212, Revised Civil Statutes of Texas, 1925, as amended by Chapter 453, Acts 47th Legislature, 1941, providing that when the Commissioners' Courts shall contract with an individual, firm, or corporation for the compilation of taxation data, the compensation of such individual, firm or corporation may be paid on a pro rata basis from each county fund benefiting by the receipt of any taxes derived from such valuation; and declaring an emergency."

H. B. No. 986, A bill to be entitled "An Act to repeal Sections 2 and 3 of Senate Bill No. 292, Chapter 183, Acts of the Forty-seventh Legislature, 1941, page 269, as amended by Senate Bill No. 348, Chapter 324, Acts of the Forty-ninth Legislature, 1945, page 535; and declaring an emergency."

H. B. No. 992, A bill to be entitled "An Act amending Section 6 of Senate Bill No. 207, Acts of the Forty-ninth Legislature, Regular Session,

1945, so as to authorize the Board of Regents of certain junior colleges and/or universities to pledge as security the estimated income over the period for which bonds, notes and/or warrants may be issued; and declaring an emergency."

H. B. No. 995, A bill to be entitled "An Act amending Section 4 of House Bill No. 436, Acts of the Fifty-first Legislature, 1949, providing for the compensation of various county and district officers in counties having a population of three hundred and ninety-eight thousand (398,000) inhabitants or more according to the last preceding or any future Federal Census so as to provide that the Judges of the County Criminal Courts of such counties shall receive the same compensation as the Judges of any County Courts at Law in such counties; and declaring an emergency."

S. B. No. 264, A bill to be entitled "An Act amending Article 5500 of the Revised Civil Statutes of Texas, 1925, so as to create a lien on domestic vessels for wharfage, dockage, port charges, pilotage, storage, harbor fees, mooring fees, crane hire and all other charges for services, facilities, supplies, materials furnished or labor performed for or on account of any domestic vessel by any Navigation District or Port, deep-water or otherwise, situated within the territorial limits of the State of Texas; etc., and declaring an emergency."

S. B. No. 402, A bill to be entitled "An Act relating to the disposition of the distributive portions of unknown stockholders upon the dissolution of domestic corporations and imposing liability for failure to observe the requirements of the Act."

S. B. No. 418, A bill to be entitled "An Act authorizing and instructing the Board of Regents of the State Teachers Colleges of Texas to sell and convey two (2) tracts of land in the City of Denton, Denton County, Texas, at private or public sale."

(With amendments)

S. B. No. 432, A bill to be entitled "An Act to further regulate the business of insurance, authorizing the examination by the Board of Insurance Commissioners of joint underwriting or joint re-insurance groups,

authorizing the approval of rates, in individual cases where necessary, in excess of those otherwise applicable, and declaring an emergency."

S. B. No. 476, A bill to be entitled "An Act to recognize and declare all officers and men, who, between January 1, 1918, and November 11, 1918, served honorably in, and who never deserted or were dishonorably discharged from the two brigades of Texas Cavalry Brigade and Second Cavalry, viz.: First Cavalry Brigade and Second Cavalry Brigade, and including 7th Texas Cavalry (originally organized as the 1st Texas Cavalry), and 2nd, 3rd, 4th, 5th, and 6th Texas Cavalry, and the Headquarters Detachments, Medical Detachments and other component groups, officers and enlisted personnel of each of said two cavalry brigades, each being organized during the first half of the year 1918 as a part of the Texas National Guard under authority from the War Department of the United States, to be veterans of World War I within the meaning of the laws of Texas, and declaring an emergency."

(With amendments)

S. B. No. 488, A bill to be entitled "An Act applicable to any city which has outstanding waterworks or waterworks and sewer system revenue bonds and which has on hand sufficient money to pay said bonds together with the interest thereon to the date when they become due or optional for prior payment and the contract premium if any; etc., and declaring an emergency."

S. B. No. 489, A bill to be entitled "An Act authorizing and directing the conveyance by the Board of Control to the State Highway Commission of a portion of the Big Spring Hospital site, Howard County, Texas; and declaring an emergency."

H. C. R. No. 160, Suspending the Joint Rules for the purpose of taking up and considering a House Bill on Senate Bill Day.

The House has concurred in Senate amendments to House Bill No. 969 by vote of 116 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 461 by vote of 73 yeas, 39 nays.

H. C. R. No. 161, Suspending Joint Rules to permit consideration of House Bill No. 986.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Senate Bill 476 with House Amendments**

Senator Martin called S. B. No. 476 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed.

**House Bill 471 on Second Reading**

Senator Vick moved to suspend the regular order of business to take up House Bill No. 471 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—21**

Aikin	McDonald
Ashley	Moffett
Bell	Morris
Bracewell	Phillips
Carney	Proffer
Colson	Shofner
Cousins	Taylor
Hazlewood	Tynan
Hudson	Vick
Lane	Weinert
Lock	

**Nays—3**

Hardeman	Moore
Martin	

**Absent**

Corbin	Kelly of Tarrant
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**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 471, A bill to be entitled "An Act to re-enact Article 4769, Re-

vised Civil Statutes of 1925, defining insurance organizations, providing this Act shall apply only to insurance companies not organized under the laws of this State who are transacting business in this State; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

**Motion to Place House Bill 471 on Third Reading**

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 471 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the members present):

**Yeas—14**

Aikin	Lock
Bell	McDonald
Carney	Moffett
Colson	Morris
Cousins	Phillips
Hudson	Vick
Lane	Weinert

**Nays—10**

Ashley	Martin
Bracewell	Moore
Corbin	Proffer
Hardeman	Shofner
Hazlewood	Tynan

**Absent**

Kelly of Tarrant	Taylor
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**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

**Committee Substitute Senate Resolution 76**

On motion of Senator Cousins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, the following resolution:

C. S. S. R. No. 76, Providing for acceptance by the State of a portrait of Mrs. Lipscomb Norvell.

The resolution having been read and referred to the Committee on Rules on Tuesday, March 15, 1949.

Question recurring on the resolution, it was adopted.

#### House Bill 916 on Second Reading

On motion of Senator Hudson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 916, A bill to be entitled "An Act accepting title to land in El Paso County, tendered to the State of Texas for use by the Agricultural and Mechanical College of Texas as Agricultural Experimental Station, Substation No. 17; authorizing the Commissioners' Court of El Paso County to execute a deed conveying such title to the State; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 916 on Third Reading

Senator Hudson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 916 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—21

Aikin	Lock
Ashley	Martin
Bell	McDonald
Carney	Moffett
Colson	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Shofner
Hudson	Vick
Kelly of Tarrant	Weinert
Lane	

#### Absent

Bracewell	Taylor
Corbin	Tynan
Moore	

#### Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—25

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Carney	Morris
Colson	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Hudson	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

#### Absent

Corbin

#### Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

#### House Bill 403 on Second Reading

On motion of Senator McDonald and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 403, A bill to be entitled "An Act making it unlawful for any person who has been convicted of a felony to have in his possession firearms of certain types or burglary tools of certain types away from the premises upon which he lives; providing a penalty; defining terms; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 403 on Third Reading

Senator McDonald moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 403 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—23

Aikin	Carney
Ashley	Colson
Bell	Hardeman
Bracewell	Hazlewood

Hudson	Phillips
Kelly of Tarrant	Proffer
Lane	Shofner
Lock	Taylor
Martin	Tynan
McDonald	Vick
Moffett	Weinert
Morris	

**Absent**

Corbin	Moore
Cousins	.

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—26**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Hudson	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

**Senate Bill 401 with House Amendments**

Senator Aikin called S. B. No. 401 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Aikin moved that the Senate concur in the House amendments.

The motion prevailed.

**Senate Bill 418 with House Amendments**

Senator Proffer called S. B. No. 418 from the President's table for con-

sideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Proffer moved that the Senate concur in the House amendments.

The motion prevailed.

**House Bill 535 on Second Reading**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 535, A bill to be entitled "An Act to amend Title 49 of the Revised Civil Statutes of Texas, 1925, by adding thereto Article 2654F, providing for the exemption of the payment of tuition and other fees to State owned educational institutions of collegiate rank for high school graduates of the State orphanages, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 535 on Third Reading**

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 535 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—23**

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Hazlewood	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

**Absent**

Bracewell	Moore
Hudson	

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—22**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Cousins	Shofner
Hardeman	Taylor
Hazlewood	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

**Absent**

Corbin	Moore
Hudson	Proffer

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

**House Bill 982 on Second Reading**

On motion of Senator Lane and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 982, A bill to be entitled "An Act to re-enact the provisions of Senate Bill No. 356, Acts of the 41st Legislature, Regular Session, 1929, Chapter 7, page 17, as amended by Senate Bill No. 136, Acts of the 47th Legislature, Regular Session, 1941, Chapter 56, page 69, being Article 2168a, Vernon's Civil Statutes, relating to the continuance of suits pending in any Court of this State within ten (10) days of the date when the Legislature is to be in session where any party applying for such continuance or any attorney to any party for such cause is a member of either branch of the Legislature; and declaring an emergency."

The bill was read second time.

Senator Vick offered the following amendment to the bill:

Amend H. B. No. 982, Sec. I, by inserting between the words "State" and "at" the following:  
" , or before any administrative board,".

Senator Phillips moved to table the amendment.

The motion to table prevailed by the following vote:

**Yeas—15**

Aikin	Morris
Ashley	Phillips
Hardeman	Proffer
Hudson	Shofner
Kelly of Tarrant	Taylor
Martin	Tynan
Moffett	Weinert
Moore	

**Nays—7**

Bell	Lane
Carney	McDonald
Colson	Vick
Hazlewood	

**Absent**

Bracewell	Cousins
Corbin	Lock

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

Senator Carney offered the following amendment to the bill:

Amend H. B. No. 982 by inserting "30 days" instead of "10 days" wherever it appears in the bill, and inserting the words "all cases" wherever the words "civil cases" appear.

Senator Weinert moved to table the amendment.

The motion to table was lost by the following vote:

**Yeas—6**

Corbin	Moffett
Kelly of Tarrant	Taylor
Lane	Weinert

**Nays—15**

Aikin	Bell
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Carney	Moore
Colson	Morris
Cousins	Phillips
Hardeman	Shofner
Hudson	Tynan
Martin	Vick
McDonald	

**Absent**

Ashley	Lock
Bracewell	Proffer
Hazlewood	

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

Question recurring on the amendment, it was adopted by the following vote:

**Yeas—18**

Aikin	Lane
Ashley	Martin
Bell	McDonald
Carney	Morris
Colson	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Tynan
Hudson	Vick

**Nays—5**

Corbin	Taylor
Kelly of Tarrant	Weinert
Moffett	

**Absent**

Bracewell	Moore
Lock	

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

On motion of Senator Lane and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

**House Bill 982 on Third Reading**

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 982 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—19**

Aikin	Lane
Ashley	Martin
Bell	McDonald
Carney	Morris
Colson	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Tynan
Hudson	Vick
Kelly of Tarrant	

**Nays—3**

Corbin	Weinert
Moffett	

**Absent**

Bracewell	Moore
Lock	Taylor

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—17**

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Carney	McDonald
Colson	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Vick
Hudson	

**Nays—6**

Bracewell	Moffett
Corbin	Morris
Lock	Weinert

**Absent**

Moore	Tynan
Taylor	

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

**Senate Bill 506 on First Reading**

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III



of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Hudson	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Aikin, Shofner, and Moffett:

S. B. No. 506, A bill to be entitled "An Act to authorize the Board of Directors of the Texas Agricultural and Mechanical College System to make transfers between items within the totals appropriated under the educational appropriation bill for Tarleton State College; and declaring an emergency."

To the Committee on Stock and Stock Raising.

**Message from the House**

Hal of the House of Representatives,  
Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 504, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred Fifty Thousand (\$350,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the

mileage and per diem of members and the per diem of officers and employees of the Regular Session of the 51st Legislature, and to pay any unpaid accounts or expenses of the 50th Legislature; and declaring an emergency."

(With amendments)

The House has adopted the conference committee report on Senate Bill No. 230 by a vote of 117 yeas, 1 nay.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

**House Bill 985 on Second Reading**

On motion of Senator Bell and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 985, A bill to be entitled "An Act to validate all citations and notices heretofore issued in lunacy, guardianship or estates of decedents, or any other probate proceedings, directed to the sheriff or constable of the county in which such proceedings are instituted instead of to any sheriff or constable within the State of Texas, together with all uncontested orders, decrees, sales, leases, and judgments grounded on such citations or notices; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 985 on Third Reading**

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 985 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Hazlewood	Proffer
Kelly of Tarrant	Shofner

Taylor	Vick
Tynan	Weinert

Absent

Ashley	Hudson
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Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	Weinert

Absent

Ashley	Hudson
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Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

#### Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Senator Hazlewood submitted the following report:

Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred S. B. No. 506, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

#### Bill Ordered Not Printed

On motion of Senator Aikin, it was ordered that S. B. No. 506 be not printed.

#### House Bill 40 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 40, A bill to be entitled "An Act finding and declaring that the disastrous and destructive cyclone that occurred at the City of Higgins on the evening of April 10, 1947, is a case of great public calamity in the City of Higgins, the Higgins Independent School District and in the County of Lipscomb; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 40 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 40 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Nays—3

Colson	Weinert
Lock	

Absent

Hudson

Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—21**

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Hazlewood	Tynan
Hudson	Vick
Kelly of Tarrant	

**Nays—5**

Colson	Martin
Lane	Weinert
Lock	

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

**House Bill 472 on Second Reading**

Senator Vick moved to suspend the regular order of business to take up House Bill No. 472 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—18**

Aikin	Lane
Ashley	Lock
Bell	McDonald
Carney	Moffett
Colson	Moore
Cousins	Morris
Hazlewood	Phillips
Hudson	Shofner
Kelly of Tarrant	Vick

**Nays—6**

Corbin	Proffer
Hardeman	Taylor
Martin	Tynan

**Absent**

Bracewell	Weinert
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**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Strauss
Jones	

The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 472, A bill to be entitled "An Act to re-enact Article 7064a,

Revised Civil Statutes of 1925, defining insurance organizations; providing this Act shall apply only to insurance companies organized under the laws of this State who are transacting business in this State; providing for the filing of annual statements with the Board of Insurance Commissioners, and what they shall contain; providing for the payment by each such insurance organization of a gross premium tax of one per cent (1%) of the gross amount of premiums collected during the period; providing that all such companies whose gross premium receipts are less than Four Hundred Fifty Thousand Dollars (\$450,000) for the preceding year, such tax shall be five-eighths of one per cent ( $\frac{5}{8}$  of 1%) of the gross amount of premiums collected during such year; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 313 on Second Reading**

On motion of Senator Morris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 313, A bill to be entitled "An Act to amend Acts, 1941, Forty-seventh Legislature, page 269, Chapter 184, Article VI, Subsection 6, (Vernon's Annotated Civil Statutes, Article 7047k); and declaring an emergency."

The bill was read second time.

Senator Morris offered the following amendment to the bill:

Amend House Bill No. 313 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 2 of Article VI of House Bill No. 8, Acts of the 47th Legislature, 1941, Chapter 184, page 269, being Section 2 of Article 7047k, V. C. S., is amended so as hereafter to read as follows:

"Section 2(a) There is hereby levied a use tax upon every motor vehicle purchased at retail sale outside of this State and brought into this State for use upon the public highways thereof by a resident of this State or by firms or corporations domiciled or doing business in this

State. Such tax shall be equal to one (1) per cent of the total consideration paid or to be paid for said vehicle at said retail sale. The tax shall be the obligation of and be paid by the person, firm, or corporation operating said motor vehicle upon the public highways of this State.

"(b) In addition to the tax herein levied each county in the State of Texas is hereby authorized to levy an additional use tax upon every motor vehicle purchased at retail sale within or without the State of Texas and brought into the county levying tax by a resident of the county or by firms or corporations domiciled or doing business in the county. Such tax shall not exceed one-half of one per cent of the total consideration paid or to be paid for said vehicle at said retail sale. The proceeds derived from said tax levied by the county shall be retained by said county and deposited with the County Treasurer to the credit of the General Fund."

"Section 2. Section 6 of Article VI of House Bill No. 8, Acts of the 47th Legislature, 1941, Chapter 184, page 269, being Section 6 of Article 7047k, V. C. S., is amended so as hereafter to read as follows:

"Sec. 6. The Tax Collector shall issue a receipt to the person paying taxes prescribed hereunder, making two duplicate copies of said receipt, the form of said receipt to be prescribed by the Comptroller of Public Accounts. Between the 1st and 15th of April, July, October and January, the Tax Collector shall forward ninety-eight (98) per cent of the money collected under Subdivision (a) of Section 2 during the preceding three (3) months to the Comptroller of Public Accounts, together with one duplicate copy of each of the receipts issued by him to persons paying the tax to the Collector. He shall retain the other duplicate receipt as a permanent record in his office together with two (2) per cent of the money collected as fees of office, or paid into the officers' salary fund of the county as provided by general law."

"Section 3. The fact that the amount of fees provided for the collection of said tax is inadequate and the further fact that the General Fund of the Counties is inadequate for the payment of current expenses, create an emergency and an imperative public necessity requiring that the

constitutional rule that bills be read in each House on each of three several days be suspended, and it is so suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted."

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend House Bill No. 313 by striking out all above the enacting clause and inserting in lieu thereof the following:

#### "A BILL TO BE ENTITLED

"An Act amending Section 2 and Section 6 of Article VI of House Bill No. 8, Acts of the 47th Legislature, 1941, Chapter 184, page 269, being Section 2 and Section 6 of Article 7047k, V. C. S., so as to authorize each county in this State to levy an additional use tax upon every motor vehicle purchased at retail sale within or without the State of Texas and brought into the county levying the tax; providing the proceeds of such additional tax shall be retained by the county and deposited with the County Treasurer to the credit of the General Fund; and declaring an emergency."

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 313 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 313 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

**Absent**

Hudson Weinert

**Absent—Excused**

Bullock Kelley of Hidalgo  
Harris Strauss  
Jones

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—25**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Hudson	Tynan
Kelly of Tarrant	Vick
Lane	

**Absent**

Weinert

**Absent—Excused**

Bullock Kelley of Hidalgo  
Harris Strauss  
Jones

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 150, Providing for the granting of an easement to the Texas Pipeline Company by the State Board of Control through property owned by the State of Texas, referred to as the Texas State Orphans Home in Navarro County, Texas.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Senate Bill 504 with House Amendments**

Senator Taylor called S. B. No. 504 from the President's table for con-

sideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Taylor moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Hudson	Tynan
Kelly of Tarrant	Vick
Lane	

**Absent**

Weinert

**Absent—Excused**

Bullock Kelley of Hidalgo  
Harris Strauss  
Jones

**House Concurrent Resolution 163**

The President laid before the Senate for consideration at this time:

H. C. R. No. 163, Expressing the Legislative intent in regard to H. B. No. 321.

On motion of Senator Moffett and by unanimous consent, the resolution was considered immediately and was adopted.

**Message from the Governor**

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,  
June 30, 1949.

To the Members of the 51st Legislature:

Last May 12 I sent you a message relating to the collection of carbon black occupation taxes. In that message I pointed out that the present law was under court attack at the

present time, and that new legislation was needed to protect the right of the State to collect the carbon black occupation tax "irrespective of the raw materials used or method employed."

Since that time a bill (House Bill 938) has been introduced and passed by both Houses, but returned to the Senate for re-consideration, which amends Section (f), Article XI, of House Bill No. 8, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, so as to state what the term "carbon black" as used in said Act includes.

In my opinion, the terms of House Bill 938 still are not broad enough to protect the right of the State to collect the carbon black occupation tax "irrespective of the raw materials used or method employed."

Therefore, under Section 5, of Article III of the Constitution, I submit this matter to you again as a subject for emergency legislation. In doing so, I wish to point out that unless such legislation is provided the State of Texas stands to lose approximately \$6,000,000 in carbon black occupation taxes during the next two years.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

#### House Bills on First Reading

The following bills, received from the House, were laid before the Senate, read, and referred to the committees indicated:

H. B. No. 995, to Committee on Civil Jurisprudence.

H. B. No. 992, to Committee on Civil Jurisprudence.

H. B. No. 986, to Committee on Commerce and Manufacturing.

H. B. No. 967, to Committee on State Affairs.

H. B. No. 962, to Committee on Stock and Stock Raising.

#### Communication from State Board of Education

The following communication from L. A. Woods, ex officio Secretary of the Board of Education, was read

and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, Lieutenant Governor, Capitol, Austin, Texas.

My Dear Governor:

Under the provisions of the laws of Texas which create the Teacher Retirement System, as originally enacted and as amended by Acts of the 50th Legislature, 1947, (Section 10, page 441, Chapter 248) the State Board of Education is required to nominate one person to serve as a member of the State Board of Trustees for that System. The Statute also requires that the nomination of such person shall be confirmed by the Senate of Texas.

To fill that position for the term of six years beginning September 1, 1949, the State Board of Education has nominated the Honorable Irvin McCreary of Bell County, and I, as ex officio secretary of said Board, have been instructed to submit this nomination to the Senate for confirmation.

Accordingly, I have hereto attached for the information of the Senate in this respect a certified copy of the excerpt from the minutes of the meeting of the State Board of Education wherein the action of the Board in making this nomination is set forth.

Action by the Senate in conformity with the Statutes is respectfully requested by the said Board.

Respectfully submitted,  
State Board of Education.  
By L. A. WOODS,  
Ex Officio Secretary.

It was moved by Mr. Denman, seconded by Mrs. Perkins, and carried that Mr. Irvin McCreary of Temple, Texas, be re-appointed as a member of the Teacher Retirement System Board, said term to begin September 1, 1949, and end August 31, 1955.

I, L. A. Woods, State Superintendent of Public Instruction and ex officio Secretary of the State Board of Education, do hereby certify that the above and foregoing is a true and correct copy of an excerpt from the minutes of the State Board of Education meeting of June 6, 1949, as same appear of record in the Minute Book of said Board on file in the office of the State Department of Education, Austin, Texas.

GIVEN under my hand and seal of office this, the 30th day of June, 1949.

L. A. WOODS,  
State Superintendent of  
Public Instruction and Ex  
Officio Secretary, State  
Board of Education.

### Bills and Resolutions Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

S. B. No. 264, A bill to be entitled "An Act amending Article 5500 of the Revised Civil Statutes of Texas, 1925, so as to create a lien on domestic vessels for wharfage, dockage, port charges, pilotage, storage, harbor fees, mooring fees, crane hire and all other charges for services, facilities, supplies, materials furnished or labor performed for or on account of any domestic vessel by any Navigation District or Port, deep-water or otherwise, situated within the territorial limits of the State of Texas; providing for presumed authority from the owner of any such vessel to certain named persons; preserving the validity of any provision of this Act not specifically held to be unconstitutional; and declaring an emergency."

S. B. No. 489, A bill to be entitled "An Act authorizing and directing the conveyance by the Board of Control to the State Highway Commission of a portion of the Big Spring Hospital site, Howard County, Texas; and declaring an emergency."

S. B. No. 402, A bill to be entitled "An Act relating to the disposition of the distributive portions of unknown stockholders upon the dissolution of domestic corporations and imposing liability for failure to observe the requirements of the Act."

S. B. No. 164, A bill to be entitled "An Act authorizing the Governor to execute a compact on behalf of the State of Texas with certain other States, to be known as 'Gulf States Marine Fisheries Compact,' setting out the agreement of the contracting States; the purposes of said compact; providing when same shall become operative; providing for the Gulf States Marine Fisheries Commission, their powers and duties; and declaring an emergency."

S. B. No. 492, A bill to be entitled "An Act providing and making a transfer of the money now in the State Treasury in the Chiropractic Examiners Fund Account No. 140, the amount being a sum of \$14,214.02, to the Texas Board of Chiropractic Examiners created by the 51st Legislature to be used by said Board in defraying its expenses, and declaring an emergency."

C. S. S. B. No. 432, A bill to be entitled "An Act to further regulate the business of insurance, authorizing the examination by the Board of Insurance Commissioners of joint underwriting or joint re-insurance groups, authorizing the approval of rates, in individual cases where necessary, in excess of those otherwise applicable, and declaring an emergency."

S. B. No. 488, A bill to be entitled "An Act applicable to any city which has outstanding waterworks or waterworks and sewer system revenue bonds and which has on hand sufficient money to pay said bonds together with the interest thereon to the date when they become due or optional for prior payment and the contract premium if any; etc.; and declaring an emergency."

H. B. No. 786, A bill to be entitled "An Act amending Section 106 of Senate Bill No. 172, Acts of the 50th Legislature, Regular Session, 1947, page 967, being the Uniform Act Regulating Traffic on Highways, so as to exempt from this section vehicles used in the actual harvesting and transporting of agricultural products from the fields to a packing or a processing plant; and declaring an emergency."

H. B. No. 268, A bill to be entitled "An Act to donate and grant State ad valorem general fund taxes to Henderson County for a period of two years to repair bridges and roads, and declaring an emergency."

H. B. No. 968, A bill to be entitled "An Act authorizing the Commissioners' Court of Bosque County, Texas, to issue refunding bonds for the purpose of refunding road and bridge time warrants of said county; validating the time warrants thus authorized to be refunded; validating certain proceedings heretofore had for the authorization of such refunding bonds and the tax levied to pay

said bonds; and declaring an emergency."

C. S. H. B. No. 973, A bill to be entitled "An Act amending the Acts of 1937, Forty-fifth Legislature, page 769, Chapter 371, as amended by the Acts of 1947, Fiftieth Legislature, page 725, Chapter 361, to provide for the conferring of concurrent jurisdiction on the 74th District Court with the County Court of McLennan County, in all misdemeanor cases of which the County Court of McLennan County has original jurisdiction; providing for the docketing of such causes; regulating the fees and costs in such causes; providing rules of procedure in such causes; providing for a six-man jury in such cases; and declaring an emergency."

H. B. No. 777, A bill to be entitled "An Act amending Chapter 3, Title 122, of the Revised Civil Statutes of Texas of 1925, by amending Article 7084, as amended by Chapter 68, Section 2, Acts of the 41st Legislature, Fifth Called Session, as amended by Chapter 265, Section 1, Acts of the 42nd Legislature, as amended by Chapter 184, Article VIII, Section 1, Acts of the 47th Legislature, by designating corporations subject to franchise tax; by redefining written evidences of indebtedness that are taxable; etc., and declaring an emergency."

H. B. No. 988, A bill to be entitled "An Act validating, ratifying, approving and confirming certain proceedings and bonds heretofore had or authorized by cities for the construction and equipment of a municipal garage and for the construction of a municipal public park band shell, either or both; providing that this Act shall not apply to any proceedings or bonds the validity of which has been contested in any pending suit or litigation; and declaring an emergency."

H. J. R. No. 46, Amending Section 2 of Senate Joint Resolution No. 4; Section 2 of Senate Joint Resolution No. 1; Section 2 of Senate Joint Resolution No. 5; Section 2 of House Joint Resolution No. 15; Section 2 of House Joint Resolution No. 38; Section 2 of House Joint Resolution No. 19; Section 4 of House Joint Resolution No. 5; Section 2 of House Joint Resolution No. 32; Section 2 of House Joint Resolution No. 36; Section 2 of House

Joint Resolution No. 22; all of said Joint Resolutions being Acts of the Fifty-first Legislature, and amending each so that the election to be held thereon shall be on November 8, 1949.

S. C. R. No. 77, Instructing the Enrolling Clerk of the House to delete an amendment in H. B. No. 84.

H. C. R. No. 154, Permitting the House to hold a session for the consideration of local and uncontested bills.

H. C. R. No. 156, Instructing the Enrolling Clerk of the House to make certain corrections in H. B. No. 786.

H. C. R. No. 158, Suspending the Joint Rules to consider H. B. No. 374.

#### Recess

On motion of Senator Phillips, the Senate at 12:45 o'clock p.m. took recess to 2:30 o'clock p.m. today.

#### AFTERNOON SESSION

The Senate met at 2:30 o'clock p.m., and was called to order by Senator Martin.

#### Leave of Absence Granted

Senator Moore was granted leave of absence for the remainder of the day on account of important business on motion of Senator Corbin.

#### Senate Concurrent Resolution 81

Senator Taylor offered the following resolution:

S. C. R. No. 81, Instructing the enrolling clerk of the House to make certain corrections in enrolling H. B. No. 322.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the enrolling clerk of the House is instructed to make the following corrections in enrolling House Bill 322:

Item 49 under Texas Liquor Control Board shall be reduced from \$35,000.00 for each year of the biennium to \$15,000.00 for each such year; and

Item 41 under Texas Liquor Control Board shall be increased from \$75,120.00 to \$95,120.00 for each year of the biennium, thereby leaving the total appropriations for the Texas Liquor Control Board unchanged.



The resolution was read.

On motion of Senator Taylor and by unanimous consent, the resolution was considered immediately and was adopted.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Hazlewood submitted the following report:

Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred H. B. No. 962, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HAZLEWOOD, Chairman.

Senator Strauss submitted the following report:

Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred S. C. R. No. 78, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRAUSS, Chairman.

Senator McDonald submitted the following report:

Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Commerce and Manufactures, to whom was referred House Bill 986, have had the same under consideration and wish to report it back to the Senate with the recommendation that it do pass and be printed.

McDONALD, Chairman.

#### Bill Ordered Not Printed

On motion of Senator Moffett, it was ordered that H. B. No. 962 be not printed.

#### Report of Conference Committee on Senate Bill 222

Senator Proffer called for consideration at this time the report of the Conference Committee on S. B. No. 222.

The report having been submitted on yesterday.

Question recurring on the report, it was adopted.

#### House Concurrent Resolution 150

The Presiding Officer laid before the Senate for consideration at this time:

H. C. R. No. 150, Providing for the granting of an easement to the Texas Pipe Line Company by the State Board of Control through property owned by the State of Texas, referred to as the Texas State Orphans Home in Navarro County, Texas.

The resolution was read.

On motion of Senator Taylor and by unanimous consent, the resolution was considered immediately and was adopted.

#### At Ease

The Presiding Officer (Senator Martin in the Chair) announced that the Senate would stand at ease subject to the call of the chair.

The Presiding Officer called the Senate to order at 2:45 o'clock p.m.

(President in the Chair.)

#### Senate Bill 506 on Second Reading

Senator Aikin moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 506 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Cousins
Ashley	Hardeman
Bell	Lane
Bracewell	Lock
Carney	Martin
Colson	McDonald
Corbin	Moffett

Morris  
Phillips  
Proffer  
Shofner

Taylor  
Tynan  
Vick

**Absent**

Hazlewood  
Hudson

Kelly of Tarrant  
Weinert

**Absent—Excused**

Bullock  
Harris  
Jones

Kelley of Hidalgo  
Moore  
Strauss

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 506, A bill to be entitled "An Act to authorize the Board of Directors of the Texas Agricultural and Mechanical College System to make transfers between items within the totals appropriated under the Educational appropriation bill for Tarleton State College; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 506 on Third Reading**

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

**Senate Bill 503 on Second Reading**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 503, A bill to be entitled "An Act reappropriating the Revolving Fund of the State Approval Agency, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 503 on Third Reading**

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 503 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—21**

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Morris
Colson	Phillips
Corbin	Shofner
Cousins	Taylor
Hardeman	Tynan
Hazlewood	Vick
Kelly of Tarrant	

**Absent**

Hudson	Proffer
Moffett	Weinert

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	Strauss

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 858 on Second Reading**

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 858, A bill to be entitled "An Act providing for a Voluntary Payroll War Savings Plan by officers and employees of the State of Texas or of any county or other political subdivision or municipal corporation therein; creating a War Bond Payroll Savings Account; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 858 on Third Reading**

Senator Hardeman moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 858 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—22**

Aikin	Ashley
-------	--------

Bell	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Shofner
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick

**Absent**

Carney	Weinert
Hudson	

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	Strauss

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—22**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

**Absent**

Carney	Weinert
Hudson	

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	Strauss

**House Bill 891 on Second Reading**

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 891, A bill to be entitled "An Act amending Section 6 of Article 2647 of the R. C. S. of 1925, as amended, so as to provide for payment of Ten Dollars (\$10) per day to the members of the Board of Re-

gents of the State Teachers' Colleges of Texas while attending meetings of such Board as provided by law; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 891 on Third Reading**

Senator Colson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 891 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—22**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

**Absent**

Carney	Weinert
Hudson	

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	Strauss

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—22**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

**Absent**

Carney	Weinert
Hudson	

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	Strauss

**Bill Ordered Not Printed**

On motion of Senator McDonald, it was ordered that H. B. No. 986 be not printed.

(Senator Proffer in the Chair.)

**House Bill 439 on Second Reading**

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 439, A bill to be entitled "An Act providing for the incorporation of a Rural High School District; authorizing the presentation of a petition to the County Board; authorizing the County Judge to call an election; authorizing the Commissioners Court to canvass an election and declare the results; authorizing the Commissioners Court to certify results of election providing for Board of Trustees; providing for property rights of the District; providing for district assumption of indebtedness; repealing all conflicting laws; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 439 on Third Reading**

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 439 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

**Absent**

Carney	Weinert
Hudson	

**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

**Absent**

Hudson	Weinert
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**Absent—Excused**

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

**House Concurrent Resolution 155**

On motion of Senator Ashley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 155, Granting the City of Austin permission to sue the State in regard to a certain tract of land.

The resolution was read and was adopted.

**Bill Re-referred**

On motion of Senator Bracewell, H. B. No. 992 was withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on Finance.

**House Bill 837 on Second Reading**

On motion of Senator Bell and by unanimous consent, the regular order

of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 837, A bill to be entitled "An Act to regulate and provide safeguards in the employment and admission of persons in state supported universities and colleges; to provide for an oath; to provide for the expulsion or dismissal of certain students and employees under certain conditions; providing for appeal; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 837 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 837 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

#### Absent

Hudson	Weinert
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#### Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—24

Aikin	Carney
Ashley	Colson
Bell	Corbin
Bracewell	Cousins

Hardeman	Morris
Hazlewood	Phillips
Kelly of Tarrant	Proffer
Lane	Shofner
Lock	Strauss
Martin	Taylor
McDonald	Tynan
Moffett	Vick

#### Absent

Hudson	Weinert
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#### Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

#### House Bill 471 on Third Reading

Senator Ashley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 471 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—19

Aikin	Lock
Ashley	McDonald
Bell	Moffett
Bracewell	Morris
Carney	Phillips
Colson	Proffer
Cousins	Shofner
Hazlewood	Taylor
Kelly of Tarrant	Vick
Lane	

#### Nays—4

Corbin	Martin
Hardeman	Tynan

#### Absent

Hudson	Weinert
Strauss	

#### Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

(President in the Chair.)

The President then laid H. B. No. 471 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—15

Aikin	Ashley
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Bell	Lane
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Cousins	Proffer
Hazlewood	Vick
Kelly of Tarrant	

Nays—6

Corbin	Shofner
Hardeman	Taylor
Martin	Tynan

Absent

Hudson	Strauss
Lock	Weinert
McDonald	

Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

**Report of Standing Committee**

By unanimous consent, the following report was submitted at this time:

Senator Taylor submitted the following report:

Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 992, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

TAYLOR, Chairman.

**House Bill 472 on Third Reading**

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 472 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—18

Aikin	Lane
Ashley	Moffett
Bell	Morris
Bracewell	Phillips
Carney	Proffer
Colson	Shofner
Cousins	Strauss
Hazlewood	Taylor
Kelly of Tarrant	Vick

Nays—4

Corbin	Martin
Hardeman	Tynan

Absent

Hudson	McDonald
Lock	Weinert

Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

472 before the Senate on its third reading and final passage.

The President then laid H. B. No. The bill was read third time and was passed.

**Bill Ordered Not Printed**

On motion of Senator Bracewell, it was ordered that H. B. No. 992 be not printed.

**House Bill 962 on Second Reading**

Senator Moffett moved to suspend the constitutional rule requiring bills to be read on three several days and that H. B. No. 962 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—19

Aikin	Martin
Ashley	Moffett
Bell	Morris
Bracewell	Phillips
Carney	Proffer
Colson	Shofner
Cousins	Taylor
Hardeman	Tynan
Kelly of Tarrant	Vick
Lane	

Nays—2

Corbin	Strauss
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Absent

Hazlewood	McDonald
Hudson	Weinert
Lock	

Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 962, A bill to be entitled "An Act to amend subdivision 4 of Section 4 of House Bill No. 17, Acts of the Fifty-first Legislature, 1949, Regular Session, so as to provide for the transportation of horsemeat between the hours of 10:00 p.m. and 4:00 a.m. unless horsemeat is in individual packages not exceeding five pounds and plainly marked 'horsemeat' for animal consumption etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 962 on Third Reading

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—19

Aikin	McDonald
Ashley	Moffett
Bell	Morris
Bracewell	Phillips
Carney	Proffer
Colson	Shofner
Cousins	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Martin	

#### Nays—3

Corbin	Vick
Hardeman	

#### Absent

Hazlewood	Lock
Hudson	Weinert

#### Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 586 and has requested the appointment of a conference committee to consider the differences between the two houses.

The following have been appointed on the part of the House: Rogers of Childress, Stump, McIlhane, Wisener, Cheatham.

Respectfully submitted,  
CLARENCE JONES.

Chief Clerk, House of Representatives.

#### Senate Concurrent Resolution 78

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 78, Amending the Joint Rules of the House and Senate.

The resolution was read and was adopted by the following vote:

#### Yeas—21

Aikin	McDonald
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Martin	

#### Absent

Ashley	Lock
Bell	Weinert
Hudson	

#### Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

#### House Bill 589 on Second Reading

On motion of Senator Phillips and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 589, A bill to be entitled "An Act amending Chapter 5, Acts of the 39th Legislature, Regular Session, 1925, as amended by Chapter 139, Acts of the 49th Legislature,

Regular Session, 1945, as amended by Chapter 125, Acts of the 50th Legislature, Regular Session, 1947, by providing that navigation districts which lease, rent, furnish or supply water for the purpose of irrigation, shall have a preference and superior lien upon the crop or crops raised upon the land thus irrigated; providing for waiver of such lien in specified cases; providing means of enforcing such lien; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 589 on Third Reading

Senator Phillips moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 589 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—21

Aikin	McDonald
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Martin	

#### Absent

Ashley	Lock
Bell	Weinert
Hudson	

#### Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—22

Aikin	Corbin
Bell	Cousins
Bracewell	Hardeman
Carney	Hazlewood
Colson	Kelly of Tarrant

Lane	Proffer
Martin	Shofner
McDonald	Strauss
Moffett	Taylor
Morris	Tynan
Phillips	Vick

#### Absent

Ashley	Lock
Hudson	Weinert

#### Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

#### Report of the Conference Committee on Senate Bill 91

Senator Shofner submitted the following report:

Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on Senate Bill No. 91, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

Respectfully submitted,

SHOFNER  
MORRIS  
LANE  
MARTIN  
HUDSON

On the part of the Senate.

BERGMAN  
MANGUM  
BELL  
HEFLIN

On the part of the House.

S. B. No. 91

By: Shofner

#### A BILL TO BE ENTITLED

"An Act to amend House Bill No. 407, Chapter 4, page 602, Acts, Regular Session, Forty-sixth Legislature, by adding thereto six new sections to be known as Sections Nos. 3a, 42a, 42b, 42c, 42d, and 42e, defining the term 'floor plan lien'; providing that a mortgagee may file a statement with the Highway Department concerning loans secured by floor plan liens; directing the Department to file and index such statements and fixing the



filing fee; providing what shall constitute filing; permitting the filing of a further statement or affidavit continuing the rank of a mortgagee's lien; providing that, upon such filing, a mortgagee's floor plan lien shall be valid against all persons except a purchaser in the regular course of business; providing that if any provision of the Act is held unconstitutional, such invalidity shall not affect any other provision thereof; repealing conflicting laws; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That House Bill No. 407, Chapter 4, page 602, Acts Regular Session, Forty-sixth Legislature, be amended by adding thereto six (6) new sections to be known as Sections 3a, 42a, 42b, 42c, 42d, and 42e, which new sections shall read as follows:

"Sec. 3a. The term 'floor plan lien' shall mean any lien upon any motor vehicle daily exposed for sale (whether such lien is noted upon a certificate of title or not) given to a mortgagee by a dealer, distributor or manufacturer."

"Sec. 42a. A mortgagee having a floor plan lien or contemplating the transaction of business with a dealer, distributor, or manufacturer in connection with which a floor plan lien or floor plan liens will be created is entitled to file with the Department a statement, signed by said mortgagee and such dealer, distributor or manufacturer, containing:

(1) A designation of the mortgagee and of the dealer, distributor or manufacturer and of the place of business of each of them; and

(2) A statement that the mortgagee is lending money or contemplates lending money, from time to time, to such dealer, distributor or manufacturer, which loan or loans are or shall be secured by a floor plan lien or floor plan liens upon motor vehicles."

"Sec. 42b. It shall be the duty of the Department to mark each statement so filed with a consecutive file number and with the date and hour of filing, and to keep such statement in a separate file, and to note and index the filing in a suitable index, indexed according to the names of the mortgagee and of the dealer, distributor or manufacturer, and containing a notation of the places of business of the mortgagee and of the dealer, dis-

tributor or manufacturer. The fee for filing such statement and the further statement or affidavit provided for in Section 42d hereof shall be one dollar (\$1.00)."

"Sec. 42c. Presentation for filing of such statement and payment of the filing fee shall constitute filing under this Act in favor of the mortgagee as to any motor vehicles which are on such date, or which become within one year from the date of such filing, the subject matter of a floor plan lien given to said mortgagee by the dealer, distributor or manufacturer named in such statement."

"Sec. 42d. At any time before the expiration of one year from the filing of such statement, a like statement, or an affidavit by the mortgagee alone, setting out the information required in Section 42a hereof, may be filed in like manner as the original statement. A filing of such further statement or affidavit shall be valid in like manner and for a like period as an original filing and shall also continue the rank of the mortgagee's existing lien as against all junior liens or interests. It shall be the duty of the Department to mark, file and index the further statement or affidavit in like manner as the original."

"Sec. 42e. Upon the filing of such statement, further statement or affidavit, as herein provided, and despite any other provision of the Certificate of Title Act to the contrary, the floor plan lien of the mortgagee named therein shall be valid and enforceable against all other creditors of the dealer, distributor or manufacturer, and against purchasers or transferees in bulk or part, or all, of the stock of motor vehicles of such dealer, distributor or manufacturer, sold or transferred otherwise than in the usual course of trade of such dealer, distributor or manufacturer, and against all persons whomsoever, except purchasers in the ordinary course of trade; provided, however, that if a floor plan lien is also noted upon a certificate of title to a motor vehicle, then such lien shall be valid and enforceable against all persons claiming an interest in such motor vehicle. Nothing in this section shall affect the title of a purchaser who has acquired a motor vehicle for a valuable consideration on a retail sale from a dealer, manufacturer or distributor, provided such purchaser has otherwise complied with the provisions of this Act. In the event of any conflict regarding

the title to a motor vehicle so purchased at retail sale, the title of a purchaser for value shall prevail over that of all other persons or parties, except holders of liens which are reflected in the manufacturer's certificate, importer's certificate or certificate of title to said motor vehicle."

Section 2. If any section, subsection, sentence, clause or phrase of this Act is for any reason held unconstitutional, the unconstitutionality thereof shall not affect the validity of the remaining portion of this Act, and the Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The fact that the present laws do not afford to mortgagees a prompt method for recording liens upon motor vehicles daily exposed for sale so as to make said liens valid against persons other than purchasers in the ordinary course of trade creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall be in force and effect from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

#### Yeas—23

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

#### Absent

Ashley	Weinert
Hudson	

#### Absent—Excused

Bullock	Kelley of Hidalgo
Harris	Moore
Jones	

#### House Bill 938 on Final Passage

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its final passage:

H. B. No. 938, A bill to be entitled "An Act to amend Section (f), Article XI, of H. B. No. 8, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, so as to state what the term 'carbon black' as used in said Act includes, and declaring an emergency."

The bill having been read third time and passed on Thursday, June 23, 1949, and motion to reconsider the vote by which the bill was passed having been made and adopted on Monday, June 27, 1949.

Question—Shall the bill be passed?

Senator Hazlewood offered the following amendment to the bill:

Amend H. B. No. 936 by Bergman by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 1 (a) of Article XI of House Bill No. 8, Chapter 184 of Acts, Forty-seventh Legislature, is hereby amended, so as to hereafter read as follows:

'Section 1. (a) There is hereby levied an occupation tax on every person, agent, receiver, trustee, firm, association, or copartnership manufacturing or producing carbon black in this State, irrespective of the raw materials used or the method employed, such tax to be as follows:

'1. On "Class A" carbon black said tax to be one hundred and twenty-two twelve hundredths (122/1200) of one (1) cent per pound on all such carbon black produced or manufactured where the market value is four (4) cents per pound or less, and shall be four and one-tenth (4.1) per cent of the value of all such carbon black produced or manufactured where the market value is in excess of four (4) cents per pound.

'2. On "Class B" carbon black said tax to be thirty-one two hundred fortieths (31/240) of one (1) cent per pound on all such carbon black produced or manufactured where the market value is four (4) cents per

pound or less, and shall be five and two-tenths (5.2) per cent of the value of all such carbon black produced or manufactured where the market value is in excess of four (4) cents per pound.

"Class A" carbon black as used in this Article means carbon black manufactured or produced by the use of less than two hundred (200) cubic feet of gas per pound of carbon black.

"Class B" carbon black as used in this Article means carbon black manufactured or produced by the use of more than two hundred (200) cubic feet of gas per pound of carbon black.

"Should one (1) or more of the classifications herein be declared for any reason to be discriminatory or unconstitutional or for any reason invalid, then there is hereby levied on all carbon black manufactured or produced in this State a tax of one hundred twenty-two twelve hundredths (122/1200) of one (1) cent per pound on all carbon black produced or manufactured where the market value is four (4) cents per pound or less, and a tax of four and one-tenth (4.1) per cent of the value of all carbon black produced or manufactured where the market value is in excess of four (4) cents per pound.

"The market value of a particular type or grade of carbon black shall be the average sales price of that type or grade of all bona fide sales made during the months on which the tax is being paid less the cost of packing, freight, and cartage. If no carbon black of the particular type or grade has been sold during the month for which the tax is being paid then the actual market value of the same shall be the average sales price of that type or grade of all bona fide sales during the last preceding month in which a bona fide sale of that particular type or grade of carbon black was made, less packing, freight, and cartage."

"Section 2. The fact that certain producers of carbon black are contending that under the present law that paragraph (f) is a definition of the carbon black taxed, and not an illustration, and that they do not owe the carbon black production tax in that they are not using gas, or not using gas by the impinging of a flame upon a channel disk or plate

and such contention if followed by the courts will result in losing large amounts of needed taxes, creates an emergency and an imperative public necessity that the Constitutional Rule requiring a bill to be read on three several days be, and the same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted."

Senator Carney raised a point of order against the amendment on the ground that it makes of the bill a revenue raising measure, the original purpose of which was not to levy a tax or raise revenue.

Pending the ruling of the President on the point of order by Senator Carney, Senator Morris raised the further point of order against the amendment on the ground that it seeks to change the original purpose of the bill.

The President sustained the point of order raised by Senator Carney.

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill 938 by Bergman by striking out all of "Section (F)" and substitute therefor the following:

"Section (F). The term 'carbon black' includes but is not restricted to all carbon pigments or fillers and all material commonly referred to as carbon black or lampblack produced in whole or in part from natural gas, casinghead gas, residue gas, or any gaseous substance, or oil, or any mixture thereof or any other material by any method, process or apparatus."

The amendment was lost by the following vote:

#### Yeas—11

Aikin	Martin
Corbin	McDonald
Hardeman	Proffer
Hazlewood	Taylor
Kelley of Hidalgo	Tynan
Lane	

#### Nays—12

Bell	Moffett
Carney	Morris
Colson	Phillips
Cousins	Shofner
Kelly of Tarrant	Strauss
Lock	Vick

**Absent**

Ashley                      Weinert  
Hudson

**Absent—Excused**

Bullock                      Moore  
Harris

**Paired**

Senator Bracewell (present), who would vote yea, with Senator Jones (absent), who would vote nay.

Question—Shall the bill be passed?

The bill was passed by the following vote:

**Yeas—18**

Aikin                      Lock  
Bell                      Moffett  
Carney                      Morris  
Colson                      Phillips  
Corbin                      Shofner  
Cousins                      Strauss  
Kelley of Hidalgo      Taylor  
Kelly of Tarrant      Tynan  
Lane                      Vick

**Nays—6**

Bracewell                      Martin  
Hardeman                      McDonald  
Hazlewood                      Proffer

**Absent**

Ashley                      Weinert  
Hudson

**Absent—Excused**

Bullock                      Jones  
Harris                      Moore

**House Bill 668 on Second Reading**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 668, A bill to be entitled "An Act making an appropriation of One Thousand (\$1,000.00) Dollars to the State Treasurer of Texas out of the General Fund for the purpose of reimbursing the owners of unused note stamps; providing for approval of claims; setting out legislative intent; and declaring an emergency."

The bill was read second time.

On motion of Senator Taylor and by unanimous consent, the caption was amended to conform with the body of the bill.

The bill was passed to third reading.

**House Bill 668 on Third Reading**

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 668 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin                      Lock  
Bell                      Martin  
Bracewell                      McDonald  
Carney                      Moffett  
Colson                      Morris  
Corbin                      Phillips  
Cousins                      Proffer  
Hardeman                      Shofner  
Hazlewood                      Strauss  
Kelley of Hidalgo      Taylor  
Kelly of Tarrant      Tynan  
Lane                      Vick

**Absent**

Ashley                      Weinert  
Hudson

**Absent—Excused**

Bullock                      Jones  
Harris                      Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—24**

Aikin                      Lock  
Bell                      Martin  
Bracewell                      McDonald  
Carney                      Moffett  
Colson                      Morris  
Corbin                      Phillips  
Cousins                      Proffer  
Hardeman                      Shofner  
Hazlewood                      Strauss  
Kelley of Hidalgo      Taylor  
Kelly of Tarrant      Tynan  
Lane                      Vick

**Absent**

Ashley                      Weinert  
Hudson

**Absent—Excused**

Bullock	Jones
Harris	Moore

**Appointment to Conference Committee on House Bill 37**

The President announced the appointment of Senator Kelly of Tarrant to the Conference Committee on H. B. No. 37, in lieu of Senator Harris, resigned.

**House Bill 458 on Second Reading**

On motion of Senator Morris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading.

H. B. No. 458, A bill to be entitled "An Act to regulate direct lines of insurance with insurers not licensed to do business in this State; declaring the purpose of the Act; providing for licensing of agents, with the cost of such license and its terms, said license to authorize the placing of direct lines of insurance with insurers not licensed to do business in Texas; providing for the giving of a bond by such agent; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 458 on Third Reading**

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 458 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

**Absent**

Ashley	Weinert
Hudson	

**Absent—Excused**

Bullock	Jones
Harris	Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—24**

Aikin	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

**Absent**

Ashley	Weinert
Hudson	

**Absent—Excused**

Bullock	Jones
Harris	Moore

**House Bill 459 on Second Reading**

On motion of Senator Morris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 459, A bill to be entitled "An Act amending Article 4932 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-eighth Legislature, 1943, Chapter 342, page 584; providing for fixing the amount of net retentions permissible without reinsurance by insurance companies licensed in Texas in the writing of fire and allied lines of insurance; requiring reinsurance of excess to any loss or hazard on any one risk over such permissible net retentions, etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 459 on Third Reading**

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 459 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

**Absent**

Ashley	Weinert
Hudson	

**Absent—Excused**

Bullock	Jones
Harris	Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—23**

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

**Absent**

Ashley	Lock
Hudson	Weinert

**Absent—Excused**

Bullock	Jones
Harris	Moore

**House Bill 284 on Second Reading**

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 284, A bill to be entitled "An Act to appropriate money from the General Fund of the State not otherwise appropriated, to pay mileage and per diem of Presidential Electors, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 284 on Third Reading**

Senator Lock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 284 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

**Absent**

Ashley	Weinert
Hudson	

**Absent—Excused**

Bullock	Jones
Harris	Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—20**

Aikin	Corbin
Bell	Cousins
Carney	Hardeman
Colson	Hazlewood

Kelly of Tarrant	Phillips
Lane	Proffer
Lock	Strauss
Martin	Taylor
McDonald	Tynan
Moffett	Vick

**Nays—2**

Bracewell	Morris
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**Absent**

Ashley	Shofner
Hudson	Weinert
Kelley of Hidalgo	

**Absent—Excused**

Bullock	Jones
Harris	Moore

**Leave of Absence Granted**

Senator Shofner was granted leave of absence for the remainder of the day on account of important business on motion of Senator Strauss.

**Senate Bill 434 on Second Reading**

Senator Vick moved to suspend the regular order of business to take up Senate Bill No. 434 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—20**

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Cousins	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

**Nays—3**

Corbin	Lock
Hardeman	

**Absent**

Ashley	Weinert
Hudson	

**Absent—Excused**

Bullock	Moore
Harris	Shofner
Jones	

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 434, A bill to be entitled "An Act amending Articles 3102, 3111, 3113, 3090, 3092, 3094, 3117, 3134 of the Revised Civil Statutes of Texas, 1925, and amending Articles 3101, 3108, 3112, 3115, 3136, 3137, and 3139 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide for the holding of the first and second primary elections on the fourth Saturday in April and the fourth Saturday in May 1950, respectively, and every two years thereafter, and so that the other dates contained therein will conform to the new dates for the primary elections; providing for a savings clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 434 on Third Reading**

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 434 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—20**

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Cousins	Proffer
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick

**Nays—2**

Corbin	Hardeman
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**Absent**

Ashley	Hudson
Hazlewood	Weinert

**Absent—Excused**

Bullock	Moore
Harris	Shofner
Jones	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Votes**

Senators Hardeman and Corbin asked to be recorded as voting nay on the final passage of the bill.

**Report of Standing Committee**

By unanimous consent, the following report was submitted at this time:

Senator Lane submitted the following report:

Austin, Texas,  
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 79, have had the same under consideration and wish to report it back to the Senate with the recommendation that it pass and be not printed.

LANE, Chairman.

**Presentation of Copy of the Constitution to Senator Hardeman**

The President at this time, presented to Senator Hardeman, on behalf of the members of the Senate, a copy of the Constitution, signed by the Lieutenant Governor and all the members of the Senate.

Senator Hardeman thanked the members of the Senate as follows:

Mr. President and Members of the Senate:

I am deeply grateful for this beautiful leather-bound and autographed copy of the Constitution of Texas. I shall ever treasure it as one of the fondest reminders of my association with my colleagues in the Senate and the able and distinguished President of the Senate.

It is my earnest hope that our Constitution shall be followed by all citizens alike. I trust that it shall continue to provide a sure protection for all those who seek its shelter in the sacred name of humanity.

Again may I say I am truly grateful for this gift and the honor accorded me. I shall always treasure it and will ever strive to preserve its principles to future generations.

HARDEMAN.

**Bills Signed**

The President signed in the presence of the Senate, after giving due

notice thereof, the following enrolled bills:

S. B. No. 230, A bill to be entitled "An Act authorizing rural high school districts, common school districts and independent school districts, including county line districts of any type, and including, under certain conditions, elementary school districts which, without a separate majority vote therein, were annexed to or grouped with other districts under Chapter 59, Acts of the Thirty-ninth Legislature, relating to rural high school districts, to be consolidated in the manner provided in Article 2806, Revised Civil Statutes, as amended; etc.; and declaring an emergency."

S. B. No. 418, A bill to be entitled "An Act authorizing and instructing the Board of Regents of the State Teachers Colleges of Texas to sell and convey two (2) tracts of land in the City of Denton, Denton County, Texas, at private or public sale.

S. B. No. 401, A bill to be entitled "An Act authorizing commissioners' courts to purchase fire trucks and other fire-fighting equipment, and in payment thereof to issue time warrants or negotiable bonds, and to levy and collect taxes in payment of such warrants or bonds; and declaring an emergency."

S. B. No. 504, A bill to be entitled "An Act making an appropriation of Five Hundred Thousand (\$500,000.00) Dollars to pay contingent expense, mileage and per diem, etc., of the Fifty-first Legislature, etc., and declaring an emergency."

**Recess**

On motion of Senator Hardeman, the Senate at 5:25 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

**FIFTY-NINTH DAY**

(Continued)

**AFTER RECESS**

(Friday, July 1, 1949)

The Senate met at 10:30 o'clock a.m. and was called to order by Senator Aikin.

**Leaves of Absence Granted**

Senator Jones was granted leave of absence for today on account of ill-